

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1331

Introduced by Assembly Member Hueso

February 22, 2013

An act to amend Section ~~12307~~ 33139 of the Water Code, relating to ~~water resources~~ drainage.

LEGISLATIVE COUNSEL’S DIGEST

AB 1331, as amended, Hueso. ~~Delta flood protection: environmental mitigation.~~ *Drainage: Coachella Valley County Water District.*

The County Water District Law governs the operations of the Coachella Valley County Water District. The County Water District Law authorizes a district to drain and reclaim lands within the district either by surface or underground works or both and to acquire, by appropriation or other lawful means, and divert, store, conserve, transport, or dispose of water resulting from these activities. Under existing law, the district is authorized to raise funds by special assessment on benefited land in proportion to the benefits derived by the benefited lands, as prescribed.

Article XIII C and Article XIII D of the California Constitution generally require that assessments, fees, and charges be submitted to property owners for approval or rejection after the provision of written notice and the holding of a public hearing. Existing law, the Proposition 218 Omnibus Implementation Act, prescribes specific procedures and parameters for local jurisdictions to comply with Article XIII C and Article XIII D of the California Constitution.

This bill would specify that the district is authorized to raise funds by special assessment pursuant to the Proposition 218 Omnibus

Implementation Act, or by adopting prescribed property related fees and charges.

~~Existing law requires the Natural Resources Agency, the Department of Water Resources, the Reclamation Board, and the Department of Fish and Wildlife to enter into a memorandum of understanding to coordinate the implementation of special flood control programs. Existing law requires that the memorandum of understanding provide that the Department of Fish and Wildlife enforce any mitigation requirements involving programs subject to these provisions.~~

~~This bill would delete the Reclamation Board from these provisions and instead add the Central Valley Flood Protection Board. This bill would make related nonsubstantive changes.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 33139 of the Water Code is amended to
2 read:

3 33139. Notwithstanding anything contained in this part, the
4 surviving district may provide for and carry on the construction,
5 operation, and maintenance of works, improvements, and functions
6 authorized by the Storm Water District Act of 1909 either as
7 authorized in that act or as authorized by this division. The district
8 may raise funds for these purposes in any manner authorized or
9 permitted by either the Storm Water District Act of 1909 or this
10 division, and is specifically authorized to raise funds by special
11 assessment on benefited land in proportion to the benefits derived
12 by the ~~benefited lands~~. *benefited lands pursuant to Section 53753*
13 *of the Government Code, or by adopting fees and charges pursuant*
14 *to Section 6 of Article XIII D of the California Constitution.*

15 SECTION 1. ~~Section 12307 of the Water Code is amended to~~
16 read:

17 ~~12307. (a) The Natural Resources Agency, the department,~~
18 ~~the Central Valley Flood Protection Board, and the Department~~
19 ~~of Fish and Wildlife shall enter into a memorandum of~~
20 ~~understanding to coordinate the implementation of the programs~~
21 ~~subject to this chapter.~~

- 1 ~~(b) The memorandum of understanding shall provide that the~~
- 2 ~~Department of Fish and Wildlife shall enforce any mitigation~~
- 3 ~~requirements involving programs subject to this chapter.~~